

ORIGINAL

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE

**ECHOSTAR TECHNOLOGIES
CORPORATION**

Plaintiff,

-against-

GERALD FOURNIER;

Defendants.

**NOTICE OF SETTLEMENT AND
ADMINISTRATIVE DISMISSAL**

Civil Action No. CA 04-0903-KAJ

Hon. Kent A. Jordan

PLEASE TAKE NOTICE THAT Plaintiff ECHOSTAR TECHNOLOGIES CORPORATION

(hereinafter "Plaintiff"), hereby notifies the Court that it has settled and compromised the within and foregoing action as against the defendant and no party named herein being an infant or incompetent, Plaintiff herewith notifies the Court of the settlement of this action with prejudice.

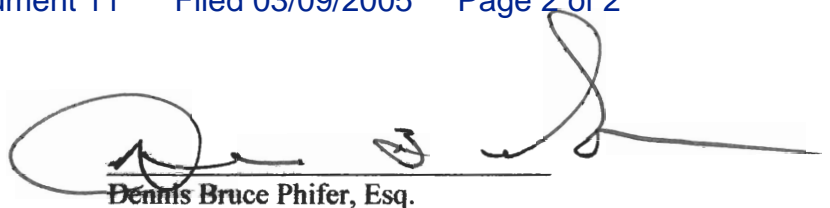
This is based upon a settlement made between Plaintiff and the above referenced Defendant, wherein Defendant will pay a certain consideration over a period of time not to exceed March 21, 2005. The Clerk's Office, in its discretion, is authorized to administratively close this case due to this settlement. However, the Plaintiff specifically reserves the right, in the event of any non-payment, to reopen and reinstate its claim against Defendant. Alternatively, upon completion of the terms of this settlement, Plaintiffs will dismiss their claims against the Defendant pursuant to Rule 41 of the Federal Rules of Civil Procedure.

Dated: March 4, 2005
Ellenville, New York

ECHOSTAR TECHNOLOGIES CORPORATION

By: _____

Julie Cohen Lonstein, Esq.
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Our File No. ECT-10DE-01

A handwritten signature in black ink, appearing to read 'Dennis Bruce Phifer', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long horizontal stroke at the end.

Dennis Bruce Phifer, Esq.

DE Bar ID No. 2770

1500 Shallcross Avenue

Second Floor, Suite 2B

Wilmington, DE 19806

Tel (302) 651-7999

SO ORDERED this ____ day of _____, 2005

HON. KENT A. JORDAN
UNITED STATES DISTRICT JUDGE